

LINCOLN PLANNING BOARD

APRIL 29, 2015

APPROVED

The regular meeting of the Planning Board scheduled for April 22, 2015 was not held due to a lack of a quorum. This meeting was rescheduled for and held on Wednesday, April 29, 2015, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 6:07 p.m. The following members were present: Kenneth Bostic, Jeffrey Delgrande, John Hunt, and Michael Reilly. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Al Ranaldi kept the minutes.

The following members were absent from the meeting: Gerald Olean and William Murphy.

Chairman Bostic advised that four members were present; have quorum.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has four zoning applications and no staff reports. A consent agenda is

normally voted on in total unless a member motions to remove an item.

Motion was made by member Delgrande to accept the consent agenda as presented was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan

Dennell Properties 15 Dennell Drive Discussion/Approval

Mr. Ranaldi stated that this is a major subdivision of one lot into four lots and has been in front of the board numerous times. The applicant has addressed all of the Town's engineering concerns and planning concerns. The Town Engineer has calculated the amount of a remediation bond which is for the Town to stabilize the lot if this project does not get completed. The bond amount is \$45,000 which the Town is requesting a cash bond. At the Public Hearing, the applicant was asked by the board to work with the two abutting property owners to develop a mutually agreeable plan to renovate the front of their property when the cul-de-sac is removed and the public easement is dissolved. The applicant provided the TRC with a plan of the proposed revisions. This plan had the signatures of the two abutting property owners signifying that they approve of the revisions.

Mr. Ranaldi reviewed the documents that need to be submitted and reviewed by the Town Solicitor as a condition of Final Plan approval.

John Shekarchi, attorney for the applicant, acknowledged that the applicant understands the conditions of approval and the requirement of the remediation bond. Mr. Shekarchi asked the board if the final plan approval could be delegated to the Administrative Officer.

Member Reilly asked if the proposed revisions to the neighbor's property were signed off by the neighbors. Attorney Shekarchi said yes. The Board reviewed the proposed waivers and conditions of approval with the Administrative Officer.

Based on the project's submission, the following waivers have been requested:

1. The existing right-of-way will be extended from its existing length of 436 feet to a total length of 907 feet. The maximum cul-de-sac length in an RA-40 zone is 900 feet. The applicant has requested a waiver of this requirement. The TRC recommends approval of this waiver based on the minimal length requested.

2. The Technical Review Committee and the Director of Public Works has requested a waiver of the requirement of sidewalks. The existing neighborhood does not contain any sidewalks and the Town does not plan on installing any sidewalks in the future. The proposed sidewalk would essentially be a sidewalk leading to nowhere. Future

maintenance of the sidewalk would become the responsibility of the Town. Therefore, the TRC recommends approval of this waiver based on the recommendation of the Town's Director of Public Works.

3. The submitted plans show the cover of the sewer pipe between SMH 1 and SMH 2 measuring at slightly less than six feet based on the invert and rim elevations provided on Sheet 4. A minimum of 6' cover is the requirement of the subdivision regulations. The applicant is requesting a waiver from this requirement. The Town Engineer reviewed the plans and feels that the requested waiver of 6" is acceptable. The TRC recommends approval of this waiver.

The conditions of approval are as follows:

- 1. The proposed improvements presented on the plan entitled, "Easement Restoration Plan, Dennell Drive, Lincoln, Rhode Island", prepared for Harry Zervas by Ocean State Planners, Inc., dated April 6, 2015 be completed when the existing cul-de-sac is removed.**
- 2. An approved RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) shall be submitted to the Town.**
- 3. All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted.**
- 4. Notation shall be placed on the Final Recorded Plan referencing the legal documents associated with the private sewer system.**
- 5. Before any construction can commence, a cash bond of \$45,000 must be posted with the Town.**
- 6. The applicant shall provide the Town with their proposed arrangements for completion of the required public improvements, including the construction schedule.**

7. A private line agreement shall be submitted and reviewed by the Town.

8. Copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted to the Town for review and approval.

9. A maintenance agreement for the proposed wet vegetated treatment system shall be reviewed and approved by the Town.

Motion was made by member Delgrande to accept the three subdivision waivers referenced in the TRC report was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Delgrande to accept the cash bond for site remediation of \$45,000 referenced in the TRC report was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Delgrande to approval preliminary plan with conditions as referenced in the TRC report was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Delgrande to delegate the final plan approval to the Administrative Officer was seconded by member Hunt. Motion was approved by all members present.

GENERAL PLANNING BOARD DISCUSSIONS/INQUIRIES WITH TOWN STAFF

Mr. Ranaldi asked if the regular June Planning Board meeting can be rescheduled to June 17, 2015 at 7:00 PM to accommodate a schedule conflict. All Board members agreed with rescheduling the June meeting to June 17, 2015 at 7:00 PM.

Motion made by member Delgrande to adjourn and was seconded at 6:26 pm by member Hunt. Motion was approved by all members present.

Respectfully submitted,

**Albert V. Ranaldi, Jr.,
Administrator Officer to the Planning Board**

Attached April TRC Report:

On April 15, 2015 at 3:00 PM, the Technical Review Committee met to review the agenda items for the April 22, 2015 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Michael Gamage, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Subdivision Review

a. Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan Discussion

- Dennell Properties 15 Dennell Drive / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project is classified as a major subdivision due to the proposed extension of the existing Dennell Drive right-of-way. The project is in front of the Planning Board at the Preliminary Plan review stage.

On November 10, 2014, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by March 10, 2015, or within such further time as may be consented to by the applicant. During the January 28, 2015 Planning Board meeting, the applicant consented to an additional 90 day extension from March 10, 2015 deadline. Therefore, a decision on the preliminary plan review must be made by June 08, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- Draft Preliminary Plan AP 42 Lot 10 Dennell Drive Lincoln Rhode Island, Prepared for Harry Zervas, prepared by Ocean State Planners, Inc., dated January 7, 2015 and revised February 13, 2015 (Sheets 2-9) and February 23, 2015 (Sheet #3).**
- Response to Comments Letters from Ocean State Planners, Inc dated February 10, 2015, January 6, 2015 and from Byron R. Holmes, PE dated December 31, 2014.**
- Drainage System Operation and Maintenance Plan, Dennell Drive, Lincoln Rhode Island.**
- Erosion and Sedimentation Control Plan, Dennell Drive, Lincoln Rhode Island**
- Easement Restoration Plan, Dennell Drive, Lincoln, Rhode Island, prepared for Harry Zervas by Ocean State Planners, Inc., dated April 6, 2015.**

Site Layout

The Technical Review Committee reviewed the project submission against the requirements for a preliminary plan review. The applicant owns a 19 acre +/- parcel of land on which one residential home is located. The zoning district is RA-40. The applicant is proposing to subdivide this lot into a four lot subdivision with the extension of the existing right-of-way (Dennell Drive). The proposed subdivision meets the zoning requirements of the RA-40 zoning district and the submitted plans show the required setbacks for each new lot.

The proposed right-of-way would end in a cul-de-sac. The existing cul-de-sac will be removed and the remaining land will be added to the abutting property owners. The applicant met with the abutting neighbors to discuss and document the proposed improvements that the developer would do when he removes the existing cul-de-sac. The proposed improvements have been documented and agreed to by the abutting property owners and the applicant.

The existing right-of-way will be extended from its existing length of 436 feet to a total length of 907 feet. The maximum cul-de-sac length in an RA-40 zone is 900 feet. The applicant has requested a waiver of this requirement. The TRC recommends approval of this waiver based on the minimal length requested.

The project submission shows a 5 foot wide sidewalk proposed for the northern side of the new right-of-way. The applicant will complete this subdivision requirement. However, the Technical Review Committee and the Director of Public Works re-examined this requirement as it related to this particular subdivision. The existing neighborhood does not contain any sidewalks and the Town does not plan on installing any sidewalks in the future. The proposed sidewalk would essentially be a sidewalk leading to nowhere. Future maintenance of the sidewalk would become the responsibility of the Town. Therefore, the TRC recommends approval of this waiver based on the recommendation of the Town's Director of Public Works. Enclosed in the March's package was a letter from the Director.

The submitted plans show the cover of the sewer pipe between SMH 1 and SMH 2 measuring at slightly less than six feet based on the

invert and rim elevations provided on Sheet 4. A minimum of 6' cover is the requirement of the subdivision regulations. The applicant is requesting a waiver from this requirement. The Town Engineer reviewed the plans and feels that the requested waiver of 6" is acceptable. The TRC recommends approval of this waiver.

Stormwater Management System

A stormwater management system that will serve the proposed roadway will be located on Lot 3. This stormwater management system shall be designed in accordance with the Land Development and Subdivision Regulations and the December 2010 edition of the Rhode Island Stormwater Design and Installation Standards Manual. The Drainage System Operation and Maintenance will be the responsibility of a homeowners association.

The applicant is proposing to install a Wet Vegetated Treatment System (WVTS). This type of stormwater management system is one of the acceptable systems allowed within the current edition of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). However, the Town is not familiar with this type of system and would prefer to have the Rhode Island Department of Environmental Management review and approve the system before the Town makes its final recommendation to the Planning Board. An approved RIDEM permit for the system was submitted to the Town on February 25, 2015. The Town Engineer reviewed the approved permit and compared it against the submitted plans. The plans are consistent with the approval.

Stormwater mitigation for each individual house lot will be addressed by individual bio-retention systems along the property lines of each new lot. The length and width of these systems range from 80'x 4' to 200'x 4'. The Technical Review Committee is concerned that future homeowners may not understand the need for this type of system and fill in the depressions. Therefore, the TRC recommends that natural stone posts be installed 1 foot in front of the bio-retention systems and shall be placed every 20 feet for the length of the system. The applicant incorporated this recommendation onto the site plans.

A RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) will be required as a condition of preliminary plan approval.

Utilities

Currently, underground public utilities exist within Dennell Drive and are available to the proposed house lots. House lot number 1 has an existing gravity connection to the public sewer system. The applicant is proposing to extend the public gravity sewer line approximately 100 feet down the new roadway extension. A private force main system is proposed for house lot number 2 and 3. Each house will have an individual grinder pump with a force main collection system located outside of the future Town Right of Way. The force main collection system would collect and convey flow into the extended public gravity sewer line via a new manhole. The town will have no responsibilities for this system.

The TRC and the Town acknowledge that this type of sewer system is not common within the town and that the Planning Board may have some reservations about this system. The Town Engineer and Director of Public Works did extensive research on the proposed private sewer system. Based on their research, they feel that the force main and individual grinder pump sewer system is a proven system for the removal of residential sewer waste. Complete engineering of the proposed system has been submitted and reviewed by the Town at the preliminary plan phase of review. This system is acceptable.

The Town does not object to the proposed system as conceptually presented, conditioned upon the following stipulations:

- The Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder pumps.**
- All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted. The deed for each lot utilizing the force main system must include appropriate reference to the private line easement benefitting lot #3 running along the frontage of lots #1 and #2, appropriate reference to the private line easement benefitting lot #2 running along the frontage of lot #1, and that the Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder.**
- Notation on the Final Recorded Plan referencing the legal documents associated with the private sewer system.**

The Lincoln Water Commission (LWC) has reviewed and granted

preliminary approval to their submitted public water system.

Project Remediation Bond

The Town Engineer reviewed plans entitled “Preliminary Plan. AP42 Lot10, Dennell Drive Lincoln, Rhode Island, Prepared for Harry Zervas”, prepared by Ocean State Planners, Inc., dated January 5, 2015 and revised February 23, 2015 for calculating the remediation bond amount. The remediation bond covers replacement of any and all erosion controls as shown on the plan, seed for stabilizing areas of disturbance, and installing a 6’ chain link fence around the existing dwelling. Without the installation and maintenance of these controls, the site is left with potential sedimentation and erosion conditions that would adversely impact abutters and the Town’s existing infrastructure. The amount of the bond is \$45,000.00. Since the amount of the bond is modest, the Technical Review Committee recommends that a cash bond be posted. Site clearing, earth disturbance, and construction of improvements cannot commence until the bond is paid to the Town.

Construction Phase

Before any construction can commence, a cash bond in the above noted amount must be posted with the Town. A private line agreement shall be submitted and reviewed by the Town. Copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted to the Town for review and approval. A maintenance agreement for the proposed wet vegetated

treatment system shall be reviewed and approved by the Town.

The applicant shall provide the Town with their proposed arrangements for completion of the required public improvements, including the construction schedule.

Based on the project's submission, the following waivers have been requested:

1. The existing right-of-way will be extended from its existing length of 436 feet to a total length of 907 feet. The maximum cul-de-sac length in an RA-40 zone is 900 feet. The applicant has requested a waiver of this requirement. The TRC recommends approval of this waiver based on the minimal length requested.

2. The Technical Review Committee and the Director of Public Works has requested a waiver of the requirement of sidewalks. The existing neighborhood does not contain any sidewalks and the Town does not plan on installing any sidewalks in the future. The proposed sidewalk would essentially be a sidewalk leading to nowhere. Future maintenance of the sidewalk would become the responsibility of the Town. Therefore, the TRC recommends approval of this waiver based on the recommendation of the Town's Director of Public Works.

3. The submitted plans show the cover of the sewer pipe between SMH 1 and SMH 2 measuring at slightly less than six feet based on the invert and rim elevations provided on Sheet 4. A minimum of 6' cover is the requirement of the subdivision regulations. The applicant is requesting a waiver from this requirement. The Town Engineer reviewed the plans and feels that the requested waiver of 6''

is acceptable. The TRC recommends approval of this waiver.

Based on the project's submission, the Technical Review Committee feels that the application successfully meets the requirements of the Preliminary Plan review stage. The Technical Review Committee recommends Preliminary Plan approval with conditions. The conditions of approval are as follows:

- 1. The proposed improvements presented on the plan entitled, "Easement Restoration Plan, Dennell Drive, Lincoln, Rhode Island", prepared for Harry Zervas by Ocean State Planners, Inc., dated April 6, 2015 be completed when the existing cul-de-sac is removed.**
- 2. An approved RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) shall be submitted to the Town.**
- 3. All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted.**
- 4. Notation shall be placed on the Final Recorded Plan referencing the legal documents associated with the private sewer system.**
- 5. Before any construction can commence, a cash bond of \$45,000 must be posted with the Town.**
- 6. The applicant shall provide the Town with their proposed arrangements for completion of the required public improvements, including the construction schedule.**
- 7. A private line agreement shall be submitted and reviewed by the Town.**
- 8. Copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted to the Town for**

review and approval.

9. A maintenance agreement for the proposed wet vegetated treatment system shall be reviewed and approved by the Town.

**b. Highridge Subdivision AP 31 Lot 20 Public Informational Meeting
– 7:00 PM**

**- Highridge Corporation 192 Old River Road Master Plan
Discussion
/ Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three lots. The existing lot is proposed to remain as a recreational use. The two new lots will be developed as single family homes. The project was elevated from a minor subdivision to a major subdivision due to the need for a zoning relief on the original lot. A use variance was granted in 1958 for the recreational use of the property. The subdivision of two lots from the original lot represents an intensification of that recreational use granted in 1958. The project is at the master plan review stage – public informational meeting.

On January 20, 2015, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master

plan review must be made by May 20, 2015, or within such further time as may be consented to by the applicant.

The master plan submission included the following:

1. A site plan entitled: Lincoln RI, Preliminary Major Subdivision, Prepared for Highridge Corp, Class 1 Survey of AP31 Lot 20, Old River Road, RS-20, dated January 30, 2014 and revised up to February 24, 2015, and a Record Plan dated February 27, 2014 and prepared by Marsh & Long Surveying.

2. A report entitled: Highridge Road Subdivision, Three-Lot Minor Subdivision Application, 192 Old River Road, Lincoln, Rhode Island, Assessor's Plat 31, Lot 20, prepared for: Highridge Corporation, by Edward Pimentel, AICP, dated February 17, 2014 and updated on February 20, 2015.

Site Layout

The Technical Review Committee reviewed the project submission. The applicant owns a 6.66 acre +/- parcel of land on which a recreational club is located. Parking for the members is a grassy field located between the buildings and Old River Road. The zoning district is RS-12. A use variance was granted in 1958 for the recreational use of the property. The applicant is proposing to subdivide this lot into a three lot subdivision. The two proposed new lots are each approximately 12,000 square feet in size and are accessible from Old River Road. Access to the original lot will remain from its current location.

Zoning Requirements

The two proposed residential lots meet the zoning requirements of the RS-12 zoning district. A use variance was granted in 1958 for the recreational use of the original lot. The subdivision of two lots from the original lot represents an intensification of that use. Therefore, the applicant must re-apply to the Zoning Board for zoning relief. An application has not been filed with the Zoning Board at this time. However, the revised report contains a narrative of the zoning relief the applicant will seek.

The plans show that the existing parking lot layout will remain as a grassy field. A grassy parking field would require a zoning variance. This parking lot has successfully served the needs of the facility since its opening in 1958. However, when a property and its associated use is changed or significantly modified, the zoning ordinance requires that the property must be brought up to the present zoning and subdivision/land development standards. In the case of this application, the parking area would have to meet the parking lot standards outlined in Article V – Parking and Loading, Section 260-31B. This means that the grassy parking lot would have to be paved and striped.

The existing commercial use of the property also requires that a buffer be created between the commercial use and the residential use. According to the zoning ordinance, “A parking area for more than 20 cars adjacent to or within a Residential District shall have an opaque fence maintained between such parking area and the adjoining Residential District. Such fence shall be not less than four

or more than six feet in height. A compact evergreen screen not less than five feet in height may be used in place of the fence”. The revised report states that the applicant will seek relief from this requirement. However, the TRC recommends that the applicant includes a compact evergreen screen along the two sides of the proposed lots that abut the commercial use. The vegetated screen should be placed on the original lot and maintained by the applicant. The evergreen screening should be planted in such a way as to appear as natural as possible. A staggered planting pattern with a few openings is suggested.

The Town spoke with the applicant’s representative and explained what would be required to meet the zoning requirement for commercial parking. The group concluded that this requirement would be excessive based on the limited amount of use the parking area experiences. Currently, the pool facility operates from May to the end of September. The organization does not plan on changing their use or increasing their membership. As stated above, the grassy parking lot area has worked for the facility since its opening in 1958. The applicant stated that they would be willing to limit their months of operation to the time they currently operate in. This limitation could be incorporated into the zoning application and if approved, would be part of a condition of approval. The outcome of the zoning application would be recorded against the title of the property. This proposal would constitute the need for an additional variance from the commercial parking lot requirements of the zoning ordinance.

Parking Lot

The revised plans show a grassy parking field designed in such a way as to address the overall goal of safety within a parking area. The applicant will install a series of wooden guard rails that will form a parking area and travel lanes. A white painted marker will be placed on the guard rail to indicate the parking stalls. The plans or submitted report do not address how or if the applicant plans on lighting the parking area.

While the proposed parking lot does not meet the zoning requirements of the Town, the Technical Review Committee feels that based on the limited months of use of the facility and the fact that this grassy field has worked for the facility since its opening in 1958, the updated grassy parking field as presented in the revised plans will provide an orderly parking area. However, the applicant will have to make their argument to the Zoning Board who has jurisdiction over parking lot requirements. The TRC recommends approval of this zoning variance.

Utilities

Public sewer and water are located within Old River Road. If this subdivision is approved, stormwater management will be required for each individual house lot. The design and type of the stormwater management system depends on the size and location of the new houses as well as the location and size of the driveways. Therefore, the review and approval of the stormwater management system for each house will be handled at the individual building permit review

stage and does not need to be shown on these plans.

Barring any unforeseen concerns brought out at the public informational meeting, the Technical Review Committee feels that the applicant has successfully addressed the comments and concerns presented by the Technical Review Committee and the Town. The Technical Review Committee recommends Master Plan approval. In order for the application to move to the preliminary plan review stage, the applicant would have to receive the following zoning variances:

- 1. Apply to the Zoning Board for a modification of the 1958 use variance for the recreational use of the property,**
- 2. A variance from the requirements outlined in Article V – Parking and Loading, Section 260-31B.**

Zoning Applications (*) – May Zoning Applications

Ralph and Patricia Perfetto, 22 Sylvia Lane, Lincoln, RI- Application for Dimensional Variance seeking side setback relief for the construction of a master bathroom addition.

AP 25, Plat 108 Zoned: R - 30

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a side yard setback relief for the construction of a master bathroom addition.

The Technical Review Committee recommends Approval of this application according to the submitted plans and application.

According to the submission, the master bedroom is located on the southerly side of the front of the house. The proposed bathroom

would replace an existing closet and is the only place that can accommodate a bathroom for the master bedroom. The addition would have the brick veneer to match the original materials of the existing house. The Technical Review Committee feels that the applicant presents the least relief needed. The TRC feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Danny Raposo and Tania Raposo, 235 Old River Road, Lincoln, RI-
Application for Dimensional Variance seeking front and side setback relief for the construction of an addition.

AP 34, Plat 373 Zoned: RS-12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a front and side yard setback relief for the construction of an addition. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. According to the submission, the proposed addition would be located on the left side of the house. The dimensional variances are needed due to the regular angles of the property. An addition could be located in the rear of the property. However, a greater dimensional variance would be required. The Technical Review Committee feels that the application presents the least relief needed. The TRC feels that granting the front and side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the

Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports